

State of South Dakota

SEVENTY-EIGHTH SESSION LEGISLATIVE ASSEMBLY, 2003

556I0744

HOUSE BILL NO. 1275

Introduced by: Representatives Heineman, Burg, Cutler, Gassman, Glenski, Hunhoff, Lange, Michels, Miles, Putnam, Sebert, and Wick and Senators Sutton (Dan), Abdallah, Apa, de Hueck, Diedrich (Larry), Duenwald, Duniphan, Earley, Jaspers, Kelly, Kloucek, Koetzle, Moore, Napoli, Olson (Ed), Reedy, and Schoenbeck

1 FOR AN ACT ENTITLED, An Act to provide for an exception from certain child abuse
2 reporting provisions based on privileged clerical communications.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That § 26-8A-3 be amended to read as follows:

5 26-8A-3. Any physician, dentist, doctor of osteopathy, chiropractor, optometrist, mental
6 health professional or counselor, podiatrist, psychologist, religious healing practitioner, social
7 worker, hospital intern or resident, parole or court services officer, law enforcement officer,
8 teacher, school counselor, school official, nurse, licensed or registered child welfare provider,
9 employee or volunteer of a domestic abuse shelter, chemical dependency counselor, member of
10 the clergy subject to the provisions of §§ 19-13-16 to 19-13-18, inclusive, coroner, or any
11 safety-sensitive position as defined in subdivision 23-3-64(2), who ~~have~~ has reasonable cause to
12 suspect that a child under the age of eighteen has been abused or neglected as defined in
13 § 26-8A-2 shall report that information in accordance with §§ 26-8A-6, 26-8A-7, and 26-8A-8.
14 Any person who intentionally fails to make the required report is guilty of a Class 1



1 misdemeanor. Any person who knows or has reason to suspect that a child has been abused or
2 neglected as defined in § 26-8A-2 may report that information as provided in § 26-8A-8.

3 Section 2. That chapter 26-8A be amended by adding thereto a NEW SECTION to read as
4 follows:

5 Any member of the clergy who has reasonable cause to suspect that a child has been abused
6 or neglected is exempt from reporting, pursuant to § 26-8A-3, if the basis for the reasonable
7 cause to suspect abuse arose from a communication made to a member of the clergy in his or her
8 professional character as spiritual advisor or in a confession or similarly confidential
9 communication.